

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

BRIAN A. MCVEIGH, et al.,

**Plaintiffs,**

V.

**CALLAN ASSOCIATES INC., et al.,**

## Defendants.

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**CIVIL ACTION NO.  
2:09-cv-685**

### **NOTICE OF RULING IN RELATED CASE**

Defendant Callan Associates, Inc. gives notice to the Court that the Supreme Court of Alabama denied the Application for Rehearing in the matter *Ex parte Callan Associates, Inc.* on January 20, 2012. A copy of the Order of the Supreme Court of Alabama denying the application for rehearing is attached.

Respectfully submitted,

s/ Matthew H. Lembke  
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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Matthew H. Lembke  
OF COUNSEL

# IN THE SUPREME COURT OF ALABAMA



January 20, 2012

**1081683** Ex parte Callan Associates, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Carol M. Perdue, as next friend and legal guardian of Anna K. Perdue, as designated beneficiary of and on behalf of the Prepaid Affordable College Tuition Trust Fund a/k/a The Wallace-Folsom Prepaid College Trust Fund v. Callan Associates, Inc., et al.) (Montgomery Circuit Court: CV-09-900556).

## CERTIFICATE OF JUDGMENT

WHEREAS, the ruling on the application for rehearing filed in this case and indicated below was entered in this cause on January 20, 2012:

**Application Overruled. No Opinion.** Shaw, J. - Malone, C.J., and Woodall, J., and Lyons, Special Justice, concur. Parker and Murdock, JJ., and Shores, Special Justice, dissent. Stuart, Bolin, Main, and Wise, JJ., recuse themselves.

WHEREAS, the appeal in the above referenced cause has been duly submitted and considered by the Supreme Court of Alabama and the judgment indicated below was entered in this cause on September 9, 2011:

**Petition Granted. Writ Issued.** Shaw, J. - Malone, C.J., and Woodall, J., and Lyons, Special Justice, concur. Parker and Murdock, JJ., and Shores, Special Justice, dissent. Stuart, Bolin, Main, and Wise, JJ., recuse themselves.

NOW, THEREFORE, pursuant to Rule 41, Ala. R. App. P., IT IS HEREBY ORDERED that this Court's judgment in this cause is certified on this date. IT IS FURTHER ORDERED that, unless otherwise ordered by this Court or agreed upon by the parties, the costs of this cause are hereby taxed as provided by Rule 35, Ala. R. App. P.

I, Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true, and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 20th day of January, 2012.

A handwritten signature in black ink, appearing to read "Robert G. Esdale, Sr.", written in a cursive style.

Clerk, Supreme Court of Alabama